

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

IN THE MATTER OF: THE OFFICE OF)
THE CHIEF MEDICAL EXAMINER,)
STATE OF OKLAHOMA,) Case No. CIV-16-869-F
CASE OF CHRISTINA TAHHAHWAH,)
)

APPLICATION FOR WRIT OF ASSISTANCE
PURSUANT TO 63 O.S. 2011, §§ 939 and/or 949

City of Lawton, Oklahoma, a municipal corporation (“Applicant”), by and through its attorney of record Kelea L. Fisher, Deputy City Attorney, OBA #18703, respectfully requests that this Court issue an Order authorizing and directing the Office of the Chief Medical Examiner, State of Oklahoma, to release and deliver to the Office of the City Attorney, Lawton, Oklahoma, and permit inspection and copying of all documents in the Medical Examiner Case File, including but not limited to an allocation of the tissue and blood samples, recuts of the microscopic slides, and photographs if applicable concerning the death of Christina Tahhahwah, with date of birth September 21, 1977, collected following his/her death on the 17th day of November 2014, in Comanche County, Oklahoma. Applicant represents to the Court that the autopsy and the medical examiner’s report have been completed and these samples are necessary for pending litigation wherein Margie M. Robinson, as the Personal Representative of the Estate of Christina Tahhahwah alleges that Defendant City of Lawton and/or its employees caused and/or contributed to the death of Christina Tahhahwah and without the requested order remaining specimens may otherwise be discarded pursuant to the standard policies and procedures of the Office of the Chief Medical Examiner.

Counsel for the Chief Medical Examiner, Assistant Attorney General Thomas R. Schneider, Office of the Attorney General, has been contacted about this matter, and has no objection to the

release of these blood samples, specimens, etc., provided there is a Court Order directing such release as required by 63 O.S. 2011, §§ 939 and/or 949.

Counsel for Plaintiff and Counsel for Defendants named in their individual capacities have also been contacted about this matter and have no objection to this Application and any order for the release of the above-referenced information from the Office of the Chief Medical Examiner.

WHEREFORE, Applicant requests that this Court enter its Order directing the Office of the Chief Medical Examiner to produce and permit inspection and copying of all documents in the Medical Examiner Case File, including but not limited to an allocation of the tissue and blood samples, recuts of the microscopic slides, and photographs if applicable concerning the decedent Christina Tahhahwah. Such materials should be released to: Kelea L. Fisher, Deputy City Attorney, Lawton City Attorney's Office, 212 SW 9th Street, Lawton, Oklahoma, 73501, on or before fourteen (14) business days after receipt by the Office of Chief Medical Examiner of a certified copy of this Order.

Respectfully submitted,

/s Kelea L. Fisher
Kelea L. Fisher, OBA#18703
Deputy City Attorney
Lawton City Attorney's Office
212 SW 9th Street
Lawton, Oklahoma 73501
Telephone: 580/581-3320
Fax: 580-581-3539
Email: kfisher@lawtonok.gov

CERTIFICATE OF SERVICE

This certifies that on the 9th day of November, 2017, I mailed and emailed a true and correct copy of the above and foregoing Application, postage prepaid to:

Thomas R. Schneider
Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
Thomas.Schneider@oag.ok.gov
**ATTORNEY FOR THE OFFICE OF
THE CHIEF MEDICAL EXAMINER**

I further certify that on the 9th day of November, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/Kelea L.Fisher